

AGENDA ITEM



Northern Planning Committee

7 November 2023

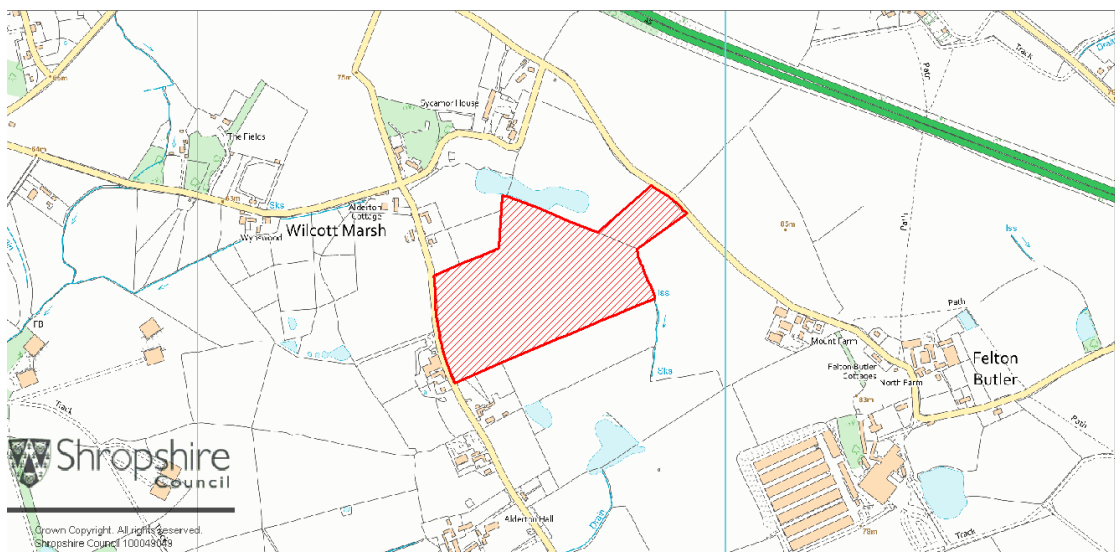
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 17/05151/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting		
Site Address: Proposed Poultry Units NW Of North Farm Felton Butler Montford Bridge Shropshire		
Applicant: L J Cooke & Son		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 338761 - 317806



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UPDATE REPORT

Recommendation: That delegated authority is granted to the Planning and Development Services Manager to **grant planning permission** subject to the conditions as set out in Appendix 1, and any amendments considered necessary.

REPORT

1.0 BACKGROUND

1.1 This application was presented to the Northern Planning Committee at its meeting on 10th October 2023, with an officer recommendation that planning permission should be refused for the following reasons:

1. *The proposed development, which is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, has the potential to have significant adverse effects on the environment. These effects relate to potential direct and indirect impacts from ammonia emissions and manure management. Insufficient information has been submitted to demonstrate that the proposed development would not be likely to have significant effects on the environment and in particular on ecological assets from ammonia emissions. The proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.*

2. *Insufficient information has been submitted as part of the Environmental Statement to enable a full assessment of the likely highways impacts of the proposal, including the proposed export of manure from the site in order therefore to demonstrate that the traffic likely to be generated by the proposed development can be adequately accommodated on the local highway network. The proposed development is therefore contrary to Core Strategy policy CS6 and SAMDev Plan policy MD8.*

3. *Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12.*

4. *It is acknowledged that the proposal would provide economic benefits, including from the investment in the creation of the business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that sufficient information has been submitted to enable an assessment to be made as to whether these benefits would outweigh potential harm that would arise from the proposed development. The proposed development is therefore contrary to Core Strategy policy CS5, SAMDev*

Plan policy MD7b(3), and contrary to the overarching purposes of the planning system to contribute to the achievement of sustainable development, as set out in the NPPF.

- 1.2 At the meeting, and having considered further comments received from the Council's Environmental Protection team, officers recommended a further reason for refusal, as follows:

Insufficient information has been submitted as part of the odour assessment, particularly in relation to input data and peak odour levels, to demonstrate that the odour predictions are sufficiently robust and that there would not be an adverse impact on amenity in the area. The proposal is therefore contrary to Core Strategy policy CS6, SAMDev Plan policy MD7b(3) and and NPPF (para. 185).

- 1.3 Members discussed the application and resolved the following:
That determination of the application be deferred to the next meeting of the Northern Planning Committee due to take place on 7th November 2023, to allow for the expiry of the statutory period for comments and representations and to give the applicant the opportunity to provide the additional information required.

- 1.4 The applicant has now submitted additional information in relation to the above matters. Officers have considered this and have prepared this update report which should be read in conjunction with the previous committee report.

2.0 ADDITIONAL INFORMATION SUBMITTED

- 2.1 Following on from the 10th October committee meeting the applicant's agent has submitted further information to seek to address the issues that had been raised by officers. on from the committee meeting. This comprises an Addendum to the Environmental Statement which includes the following:

- A statement from the applicant's odour consultant in relation to input data and peak odour levels
- Further information in respect of ammonia mitigation measures
- A revised Ammonia Modelling report
- Further explanation on proposed manure management
- Details of proposed passing places along the public highway, routing of traffic including tractors and trailers associated with manure export
- A revised landscaping plan showing additional planting.

3.0 ADDITIONAL REPRESENTATIONS

- 3.1 The formal consultation period has now ended. In relation to the additional information that was submitted following the 10th October meeting, relevant consultees have been consulted. The additional consultee responses and representations that have been received are summarised below. These include those that were detailed on the 'additional representations' schedule that was circulated to Members in advance of the 10th October meeting.

3.2 Consultee Comments

- 3.2.1 **SC Ecology** No objection, subject to conditions.

Since Ecology Team detailed comments of June 2023, a revised ammonia report (Revision 11 dated 13 October 2023) has been submitted (Appendix 3 of the EIA) as well as some commentary by the agent to the previous comments (Appendix 1 of the EIA).

Taking the previous comments in turn:

1) The ammonia report now omits reference to mitigation in the form of switching from organic to inorganic fertilisers for large areas of the farm. It is now confirmed that mitigation proposed is the installation of ammonia scrubbers on each new unit and the reduction in ammonia emissions which would result from taking approximately 5.5 ha of land out of arable use as these areas would be taken up by proposed woodland planting and the actual buildings' footprint.

2) In Appendix 1 of the EIA, the agent states:

'As stated in the [ammonia] report, the modelling of field emissions is based upon an assumed application rates of 150 kg-N/ha/y (Defra average). IF actual rates are available, then these could be modelled, however they are almost certainly likely to be greater than what has been modelled. i.e. the modelling assumptions are conservative. Modelling assumptions are used all the time, why this case should demand actual figures for one aspect of the modelling is questionable, after all, as an example, no comment is made when standard housing or lagoon emission factors are used'

Having analysed the submitted cropping nitrogen requirements for years 2019-2022 alongside Appendix 3 of the EIA, it appears that the nitrogen application rates on the two fields to be taken out of agricultural use have indeed been subject to N application rates at levels higher than 150kg-N/ha/yr since at least 2018. Therefore, it is agreed that the assumed rate of 150 kg-N/ha/yr used in the modelling is conservative and therefore the area of land being taken out of agricultural use is likely to be emitting more ammonia than is included in the modelling.

3) Tables in revision 11 of the ammonia report are now clear as to what they are showing.

Considering the results of the modelling, tables 4a and 4b of the ammonia report (revision 11) present the results of the air quality modelling for ammonia using the precautionary scenario of the outlet ammonia concentration being a constant 2 ppm. At all sensitive sites, the predicted change in ammonia concentrations and nitrogen deposition rates is below 1% of the critical level and critical load, and therefore insignificant.

This application is required to be considered in-combination with any other applications, as it is EIA development and has air quality impacts upon a European designated site (Fenemere Ramsar/SSSI (part of Midland and Mosses Ramsar Site Phase 1).

A search of applications currently undecided or not in the background has identified one other site which needs to be assessed in combination with this application. This is 18/04877/FUL Burlton Lane Farm which has been decided but is not yet operational,

so not yet in the background.

The results of the in-combination assessment for Fenmere Ramsar/SSSI are shown below:

Reference	Process Contribution (ug/m3)	% of Critical Level	Process contribution (kg-N/ha/yr)	% of Critical Load
17/05151/EIA*	0.001	0.069	0.005	0.054
18/04877/FUL	0.008	0.08	0.06	0.6
COMBINED	0.009	0.149	0.065	0.654

**Results from Table 4b of A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire, Revision 11 (AS Modelling & Data Ltd, 13 October 2023)*

This demonstrates that with the scrubbers and taking c. 5.5 ha of arable land out of agricultural use as mitigation for air quality impacts, that impacts upon Fenmere RAMSAR will be insignificant. The combined air quality impacts will not exceed 1% of Fenemere's critical level or load.

Published guidance on Habitats Regulations Assessments states that where an assessment of air quality impacts is undertaken, and the critical level or lower critical load of a site or habitat is exceeded with the Proposed Scheme, but the increase (including in-combination with other plans and projects) is less than 1% of the critical level or load, the impact is considered unlikely to result in a significant effect.

Institute of Air Quality Guidance at 5.5.1.7 goes on to explain: 'The 1% threshold has become widely used throughout the air quality assessment profession to define a reasonable quantum of long-term pollution which is not likely to be discernible from fluctuations in background/measurements. For example, for many habitats, 1% of the critical load for nitrogen deposition equates to a very small change of less than 0.1 kgN/ha/yr, well within the expected normal variation in deposition.'

It is noted that the acceptability of this proposed development is reliant on both the installation of ammonia scrubbers and an area of tree planting not less than 30,114m² as detailed in table 2b of the ammonia report (revision 11). However, the submitted Landscape Plan (drawing number 1491.04, Appendix 7 of the EIA) does not show any of the required tree planting and is therefore, not acceptable at this current time for approval.

The submission of a landscape plan to show the required area of tree planting should therefore be conditioned.

Recommended conditions: It is recommended that conditions are imposed to require:

- Development to be in accordance with the Reasonable Avoidance Measures

- Badger inspection to be undertaken
- Submission of landscaping scheme for approval

3.2.2 SC Public Protection

In response to the further information received following the 10th October committee meeting:

No comments received at the time of writing this report.

Comments received in advance of the 10th October 2023 committee meeting:

There has been no further odour or noise reports submitted since Environmental Protection last provided comments in Nov 2020, hence the conclusions of these reports will not be revisited. However, Environmental Protection highlights the following points for consideration:

Queries have been raised regarding the inspectors report for a recent appeal hearing. The Inspector questioned the model input data and methodology used in assessing the odour and whether the assessment considered the peak odour levels for example during shed clearance. An independent expert witnesses provided evidence at this hearing and agreed that the methodology of the assessment was in accordance with guidance and appropriate. Environmental Protection does not have the specialist expertise to comment on the findings of this hearing in regards to the expert reports and the modelling methodology.

However, Section 3.2 of the odour report indicates that there is little factual information on odour emission levels during clear out and the odour model has not specifically considered the emission levels during clear out. As a result the model does not fully consider the peak levels. To address the concerns raised in the Tasley appeal it is recommended that the applicant is asked to provide evidence to demonstrate that the input data is robust and that the peak levels have adequately been considered. It should be considered whether real emissions data from similar sized sheds could be used in the model, including emission levels during clear out, and whether this would make the model more robust?

It should also be noted that the existing poultry sheds hold an environmental permit, regulated by the Environment Agency and the proposed expansion will require a variation application to be submitted for approval. Environmental Permitting guidance recommends that the permit applications and planning consents are twin tracked to make the process more efficient, both for the applicants and regulators.

Paragraph 188 of the NPPF makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The environmental Permit regime is designed to prevent pollution, the Environmental Permitting Regulations define pollution as:

pollution, other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities or other legitimate uses of the environment;

This definition suggests that you could assume this means impacts on the amenity such as odour and noise will be adequately regulated by the permit. Para 188 of the NPPF makes it clear that we should assume the permit is effectively regulated and should not be imposing conditions for the purpose of controlling emissions that are regulated by the permit, this includes emissions to air, water or land and emissions of odour and noise.

The only exception is where impacts might occur because of the development but are not within the boundary of the environmental permit and therefore would not be controlled by the permit. For example, if the development results in increased traffic flows that may impact on surrounding properties or where muck from an agricultural use is spread off site and hence may have an impact on the surrounding area. These issues may make a site unsuitable for the development.

This application indicates that additional manure from the poultry sheds will be sent to a regulated anaerobic digestion plant, emissions from such plant will also be regulated by the Environmental Permitting regime and therefore EP do not have concerns regarding offsite environmental impacts due to manure disposal. It is recommended that it is a condition of any consent that manure is disposed of via a regulated AD plant.

The noise report indicated that vehicle movements off site were not likely to have a significant adverse impact.

In summary, Environmental Protection does not have concerns regarding potential off site impacts because of the proposed development assuming an appropriate manure management condition is applied. The Environment Agency have been consulted as the regulator of the Environmental Permit and have not raised any concerns regarding the ability of the proposal to meet the objectives of the permitting regime. It is therefore assumed that the potential impacts from onsite activities can be adequately controlled by the Permit.

3.2.3 **SC Highways Development Control** No objection.

It is noted that in response to the issues raised in relation to the provision of passing places, a plan Drg.No.MZ119-10 has been submitted showing 3 passing places being provided. Having considered these proposals, whilst the locations of the 3 passing places are acceptable, it is considered that a further 3 places should be provided. In the circumstances and on the basis that the applicant is prepared to accept this requirement, then the matter could be dealt with under a negatively worded planning condition as previously requested. It is confirmed that the 3 additional passing places

to be provided can be accommodated within the existing highway limits and therefore do not include third party land.

As regards the movement of manure from the site, the supporting information indicates that this would be taken to Wykey Farm and it is assumed therefore that the movement and tonnage of manure to be taken from the application site to Wykey Farm would be contained within the overall tonnage restriction placed upon the Wykey Farm planning consent.

3.2.4 SC Drainage The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The outline drainage strategy report indicates a controlled discharge to the adjacent watercourse it to be used. It must be demonstrated that the watercourse has connectivity to a larger ditch and watercourse network downstream.

Details and plan on how the contaminated water in the yard from spillages or cleaning of poultry units will be managed/ isolated from the main surface water system should be submitted for approval.

3.3 Additional public representations

3.3.1 The following public representations have been received since the original committee report was published.

3.3.2 Objections:

- The 10th October committee report acknowledges that the odour modelling does not allow for cleaning out operations, and that an appeal decision (for a different site) has been made that references that odour modelling does not include cleaning out operations and that the Inspector felt this was incorrect and was part of his reasoning for refusing the appeal
- Appeal decision referred to odour modelling inadequacies and that the conclusions reached in the odour assessment for that site cannot be relied upon
- Committee report stated that the odour assessment was undertaken by a different consultant and did not refer to insufficient odour modelling as a reason for refusal

- However the report has the same inadequacies identified by the Inspector in the appeal referenced above regarding ignoring clean out operations and odour modelling inadequacies and this should be added to the grounds for refusal.

4.0 OFFICER APPRAISAL IN RELATION TO REASONS FOR DEFERRAL

4.1 Ammonia

4.1.1 Since the 10th October meeting a revised ammonia report has been submitted, together with a statement which clarifies a number of issues that were previously raised. The Council's ecologist has reviewed these. In summary:

- It is now clear that ammonia mitigation being proposed is the installation of the air scrubbers on each of the buildings together with the removal of 5.5 hectares of land from arable use, the consequential cessation of fertiliser additions to these areas and tree planting;
- Officers accept that the modelled nitrogen application rates to existing farmland at the site are conservative and as a consequence the land that is proposed to be removed from agricultural use is likely to be emitting more ammonia than is suggested by the modelling;
- The information provided in the tables in the ammonia report is now clear.

4.1.2 The modelling and assessment demonstrate that, with the above mitigation in place, the impacts on the Fenemere Ramsar/SSSI would be insignificant. In relation to the Habitats Regulations assessment, it is considered that the project is unlikely to result in a significant effect on this designated site. This conclusion is subject to the area of tree planting being not less than 3.01 hectares. Subject to the conditions recommended by the ecologist, it is considered that the previously-raised ammonia impact issues have been addressed, and that the proposal complies with relevant policies including Core Strategy policies CS6 and CS17; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.

4.2 Manure management

4.2.1 The Environmental Statement Addendum includes further details of proposals for manure management. This advises that it is proposed to export manure to Gamber Logistics for use in either AD plants or for spreading onto farmland. Officers have advised the applicant that, under the EIA regulations, there is a requirement to undertake an assessment of indirect effects, such as relating to odour and dust, which may arise from spreading of manure onto farmland. This matter was confirmed under a recent Court of Appeal judgement. No assessment has been provided and therefore this element of the proposal has not been properly addressed. In order to address this the applicant has now confirmed that all manure arising from the proposed operation would be exported off site to an anaerobic digester or other licensed waste management facility for treatment. Officers consider that this satisfactorily addresses the manure management issue.

4.3 Highways

4.3.1 Since the 10th October meeting further highways information has been submitted. This has put forward more details of options for proposed passing places, and in relation to the routing of traffic including those vehicles exporting manure from the site. The

Council's Highways Officer has reviewed these and has advised that a further three passing places should be provided in addition to the three proposed by the applicant. It is considered that this would minimise traffic disruption of the local highway network to an acceptable level. The applicant has agreed to providing six passing places. The proposed heavy vehicles would use a segment of the local highway that is currently used by vehicles associated with the Manor Farm poultry operation which is a short distance away. It is recognised that there is the potential for conflict however given the levels of use, the short distance of the shared route, and the proposed provision of passing places it is not considered that this issue would result in an unacceptable impact on the highway network.

4.4 Odour impact

4.4.1 The additional statement that has been provided by the applicant's odour consultant advises that objective evidence obtained from another broiler unit demonstrates that odour emissions during cleaning out operations would result in no more than a 10% increase in total emissions. It states that this would not be detectable by off-site receptors. It concludes that the modelling approach taken is precautionary and representative. It considers that site management controls can be implemented to minimise emissions. In particular, only cleaning out one shed at a time, and using minimal ventilation during cleaning where possible. These measures could be included with an Odour Management Plan which would be required under the Environmental Permit.

4.4.2 Officers accept that the modelling has taken into account odour emissions during cleaning out operations, and that the level of assessment is satisfactory. Whilst detailed matters relating to emissions would be controlled by the Environment Agency under the Environmental Permit, it is considered that a planning condition can be imposed to required that only one shed is cleaned out at any one time, in order to minimise odour release. Subject to this it is considered that the previously-raised odour issues have been addressed, and that the proposal would not result in unacceptable levels of odour and is therefore acceptable in relation Core Strategy policies CS5 and CS6, SAMDev Plan policy MD7b and the NPPF

4.5 Landscape impact

4.5.1 The applicant has submitted an updated landscaping plan which includes additional tree planting. It is considered that this would provide additional visual and ecological benefits. A detailed plan, to include this and the specification for ammonia mitigation planting, can be required as part of a planning condition.

5.0 UPDATED PLANNING BALANCE AND CONCLUSION

5.1 The proposal for a new poultry rearing operation at North Farm, Felton Butler would constitute a diversification of the existing agricultural business and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. It is considered that the assessments submitted in relation to noise and odour impacts have satisfactorily demonstrated that the operation can be undertaken at this site without adversely affecting local amenity to an unacceptable degree, either in isolation or cumulatively with other activities in the

area.

5.2 The further information submitted, which provides more clarity on proposed mitigation measures, now provides a satisfactory level of assessment in relation to potential ecological impacts from ammonia emissions. The proposals put forward for the management of manure arising from the operation are now satisfactory. Furthermore, the additional highways information which has been submitted, which includes improvements in the form of passing places, now demonstrates that the likely impacts on the highway network would not be unacceptable. An enhanced landscaping plan has also been provided. Whilst it is recognised that a proposal of this nature and scale is likely to result in some impacts in the local area, it is concluded having regard to the benefits of the proposal that these on balance would not be unacceptable. The proposed development is therefore in line with Development Plan policy and it is recommended that planning permission can be granted subject to the conditions set out in Appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYAFPITDHDA00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Ed Potter

Appendices
APPENDIX 1

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) details of measures proposed to prevent water pollution during construction works and prior to the completion of the drainage scheme, and
- b) identification of persons responsible for implementation of the approved CEMP:

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect the water environment from pollution.

5. Prior to the commencement of the development a scheme shall be submitted in writing detailing contingency measures to be adopted to in the event that the operation of one or more of the scrubbing units is not possible, such as plant breakdown, and set out procedures to ensure that the time without the use of air scrubbing is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

Reason: To mitigate adverse impact on biodiversity from ammonia emissions consistent with the SAMDev Plan policy MD2 and the NPPF.

6. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a. Planting plans including an area of no less than 3 hectares of native woodland tree planting as shown in Figure 2 of 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed

Mitigation Measures at North Farm, near Felton Butler in Shropshire', Revision 11 (AS Modelling & Data Ltd, 13 October 2023)

- b. Written specifications for establishment and aftercare of planting;
- c. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species. The approved plan shall be carried out as approved.

Reason: To ensure the provision appropriate landscape design for biodiversity and visual impact mitigation.

7. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site may hold archaeological interest.

8. Prior to the commencement of the development full engineering details of a total of six passing places along the local highway network (C1060), between the site access and the A5 (T), shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any construction of the proposed buildings are undertaken.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway, nor cause inconvenience to other highway users, during construction of the development and the use of the site thereafter.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

9. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

10. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground

clearance, demolition or construction.

11. The permitted poultry operation shall not commence until the approved vehicular access and visibility splays have been completed. The area within the sight lines shall also be kept clear of all obstructions, in perpetuity.

Reason: To ensure that the development should not prejudice the free flow of traffic and any conditions of safety on the highway, nor cause inconvenience to other highway users, during construction of the development and the use of the site thereafter

12. Within six weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

13. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers as detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire' (AS Modelling & Data, 4th January 2021, Revision 11 (13th October 2023), 'Air scrubber: Noise Impact Assessment' Report M1723/R03 (Matrix, 29 June 2020) and Addendum Report - Assessment of Odour Impact of Proposed Poultry Unit at North Farm, Felton Butler, Montford Bridge, Shrewsbury with Air Scrubbers (ADAS, June 2020) have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

14. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

15. All development including site clearance and landscaping shall proceed strictly in accordance with Reasonable Avoidance Measures as detailed within section 5 of Ecological Impact Assessment, Churton Ecology, February 2022.

Reason: To ensure the protection of great crested newt.

16. Forklifts or other mechanical vehicles associated with the collection and delivery of birds shall be electric only.

Reason: To minimise noise emissions.

17. No birds shall be brought to any of the rearing units hereby permitted, unless the associated air scrubbing unit is in effective working order.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

18. The poultry rearing units hereby approved shall be limited to occupation by 200,000 birds.

Reason: To ensure that the restriction on the maximum number of birds to be kept in the buildings at any one time can be satisfactorily enforced, in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

19. No more than one poultry building shall be cleaned out at any one time.

Reason: To minimise odour emissions in the interests of protecting local amenity.

Informatives

1. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation [and buildings] for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence. No clearance works can take place with

5m of an active nest.

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>